

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY R. G. TURNER,

Plaintiff,

v.

CONNIE GIBSON,

Defendants.

No. C 13-4044 JSW (PR)

ORDER OF TRANSFER

(Docket No. 5)

Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C. § 1983, complaining about conditions at the California State Prison in Corcoran, California (“Corcoran”), where he was incarcerated.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court *sua sponte* where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).


Plaintiff’s claims arise from events that took place at Corcoran, and he sues

1 defendants located there. Corcoran lies within the venue of the United States District
2 Court for the Eastern District of California. Accordingly, IT IS ORDERED in the
3 interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be
4 TRANSFERRED to the United States District Court for the Eastern District of
5 California. Ruling on Plaintiff's motion (dkt. 3) is deferred to the Eastern District.

6 The Clerk of the Court shall transfer this matter forthwith.

7 IT IS SO ORDERED.

8 DATED: October 1, 2013

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11 JEFFREY S. WHITE
12 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY R TURNER,
Plaintiff,

Case Number: CV13-04044 JSW

CERTIFICATE OF SERVICE

v.


CONNIE GIBSON et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Recardo G. Turner
#G27511
P.O.Box 3461
Corcoran, CA 93212

Dated: October 1, 2013


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk